

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1176 OF 2003

The Chief Executive Officer,
Zilla Parishad, Dhule,
Dist. Dhule.

..PETITIONER

VERSUS

Bharatsingh Deosing Rajput,
Age: 49 years, Occ: Service,
R/o. Velhane,
Tal. & Dist. Dhule.

..RESPONDENT

Mr S.P. Shah, Advocate h/f Mr Amol S. Sawant,
Advocate for petitioner;
Mr B.R. Warma, Advocate for respondent

**CORAM : PRASANNA B. VARALE &
S. M. GAVHANE, JJ.**

DATE : 14th JUNE, 2018

ORAL ORDER :

Heard learned Counsel for the respective
parties.

2. The petition is partly allowed.

3. The order passed by learned Member,

(2)

Industrial Court, Jalgaon dated 26th November, 2002 in Complaint (ULP) No. 724 of 1999 is modified by way of modification in clause-iii of the order.

4. We hold that the respondent is entitled for wages and benefits of Mistri Grade II with effect from his absorption from 16th July, 1990 meaning thereby we quash the order of learned Member to grant wages and benefits from 1983 till 2001 but the respondent would be entitled for wages and benefits from 16th July, 1990 till 2001. Both learned Counsel submitted that from 16th July, 1990 till 2001 the respondent received wages and benefits as Mistri Grade II. We also make it clear that the respondent would be entitled for pensionary benefits by treating the date for pensionary benefits from 3rd January, 1983.

5. With above observations, the petition is disposed of.

(S. M. GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

(3)

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